

## Environmental Protection Agency

## § 80.501

(C) Sold under paragraph (k)(3) of this section; minus

(D) Used under paragraph (k)(4) of this section for demonstrating compliance with the corporate pool average.

(ii) Report as a finding any allotments generated in 2003 or 2004 that are used to meet the corporate pool standards in 2005 that were not reduced to 50% of their original value.

(iii) If the company's net allotments remaining are less than zero, report this fact as a finding.

[65 FR 6823, Feb. 10, 2000, as amended at 67 FR 40185, June 12, 2002; 71 FR 54912, Sept. 20, 2006]

### Subpart I—Motor Vehicle, Nonroad, Locomotive, and Marine Diesel Fuel

SOURCE: 66 FR 5136, Jan. 18, 2001, unless otherwise noted.

#### GENERAL INFORMATION

#### § 80.500 What are the implementation dates for the motor vehicle diesel fuel sulfur control program?

The implementation dates for standards for motor vehicle diesel fuel and diesel fuel additives, and for other provisions of this subpart, are as follows:

(a) *Implementation date for standards applicable to production or importation of motor vehicle diesel fuel, and to motor vehicle diesel fuel additives.* Except as provided in paragraph (d) of this section, beginning June 1, 2006:

(1) The standards and requirements under § 80.520(a) and (b) shall apply to any motor vehicle diesel fuel produced or imported by any refiner or importer; and

(2) The standards and requirements under § 80.521 shall apply to any motor vehicle diesel fuel additive.

(b) *Implementation date for standards applicable to motor vehicle diesel fuel downstream of the refinery or importer.* Except as provided in paragraphs (c) and (d) of this section, beginning September 1, 2006, the standards and requirements under § 80.520(a) shall apply to any motor vehicle diesel fuel at any downstream location.

(c) *Implementation date for standards applicable to motor vehicle diesel fuel at retail outlets and wholesale purchaser-*

*consumer facilities.* Except as provided in paragraph (d) of this section, beginning October 15, 2006, the standards and requirements under § 80.520(a) shall apply to any motor vehicle diesel fuel at any retail outlet or wholesale purchaser-consumer facility.

(d) *Implementation date for motor vehicle diesel fuel subject to the 500 ppm sulfur content standard in § 80.520(c).* (1) Beginning June 1, 2006, the sulfur content standard of § 80.520(c) shall apply to motor vehicle diesel fuel, but only where authorized under, and subject to, an applicable provision of this Subpart.

(2) Beginning June 1, 2010, the sulfur content standard of § 80.520(c) shall no longer apply to any motor vehicle diesel fuel produced or imported by any refiner or importer.

(3) Beginning October 1, 2010, the sulfur content standard of § 80.520(c) shall no longer apply to any motor vehicle diesel fuel at any downstream location other than a retail or wholesale purchaser-consumer facility.

(4) Beginning December 1, 2010, the sulfur content standard of § 80.520(c) shall no longer apply to any motor vehicle diesel fuel.

(e) *Other provisions.* All other provisions of this subpart apply beginning June 1, 2006, unless another date is specified.

[66 FR 5136, Jan. 18, 2001, as amended at 69 FR 39168, June 29, 2004; 70 FR 70509, Nov. 22, 2005]

#### § 80.501 What fuel is subject to the provisions of this subpart?

(a) *Included fuel and additives.* The provisions of this subpart apply to the following fuels and additives except as specified in paragraph (b) of this section:

(1) Motor vehicle diesel fuel.

(2) Nonroad, locomotive, or marine diesel fuel.

(3) Diesel fuel additives.

(4) Heating oil.

(5) Other distillate fuels.

(6) Motor oil that is used as or intended for use as fuel in diesel motor vehicles or nonroad diesel engines or is blended with diesel fuel for use in diesel motor vehicles or nonroad diesel engines, including locomotive and marine diesel engines, at any downstream location.

(b) *Excluded fuel.* The provisions of this subpart do not apply to distillate fuel that is designated for export outside the United States in accordance with §80.598, identified for export by a transfer document as required under §80.590, and that is exported.

[69 FR 39168, June 29, 2004]

**§80.502 What definitions apply for purposes of this subpart?**

The definitions of §80.2 and the following additional definitions apply to this subpart I:

(a) *Entity* means any refiner, importer, distributor, retailer or wholesale-purchaser consumer of any distillate fuel.

(b) *Facility* means any place, or series of places, where an entity produces, imports, or maintains custody of any distillate fuel from the time it is received to the time custody is transferred to another entity, except as described in paragraphs (b)(1) through (b)(4) of this section:

(1) Where an entity maintains custody of a batch of diesel fuel from one place in the distribution system to another place (e.g., from a pipeline to a terminal), all owned by the same entity, both places combined are considered to be one single aggregated facility, except where an entity chooses to treat components of such an aggregated facility as separate facilities. The choice made to treat these places as separate facilities may not be changed by the entity during any applicable compliance period. Except as specified in paragraph (b)(2) of this section, where compliance requirements depend upon facility-type, the entire facility must comply with the requirements that apply to its components as follows:

(i) If an aggregated facility includes a refinery, the entire facility must comply with the requirements applicable to refineries.

(ii) If an aggregated facility includes a truck loading terminal but not a refinery, the entire facility must comply with the requirements applicable to truck loading terminals.

(iii) *Situations where a refinery is aggregated with a truck loading terminal.*

(A) Where a refinery is aggregated with a truck loading terminal, diesel

fuel or other product subject to the requirements of this subpart I produced by such refinery and distributed over the truck terminal rack must be included in refinery batches that may be based on shipments to a truck terminal rack tank or on the total volumes delivered to tanker trucks for a period not to exceed 1 calendar month per batch.

(B) Where a refinery is aggregated with a truck loading terminal, diesel fuel or other product subject to the requirements of this subpart I that were imported or produced by another refinery, and that are distributed through the refinery or truck terminal rack, must be treated as previously designated fuel for which the aggregated facility is responsible for all applicable balance and downgrade requirements under §§80.527, 80.598, 80.599 and related recordkeeping and reporting requirements like any other distributor downstream from the refiner or importer.

(2) A refinery or import facility may not be aggregated with facilities that receive fuel from other refineries or import facilities, either directly or indirectly. For example, a refinery may not be aggregated with a terminal that receives any fuel from a common carrier pipeline. However, a refinery may be aggregated with a pipeline and terminal that are owned by the same entity and which receive no fuel from any source other than the refinery. Likewise, a refinery may not be aggregated with a mobile facility that is also carrying another entity's fuel; it may however be aggregated with a mobile facility that does not receive fuel from any source other than the refinery. If a refinery or import facility is aggregated with other facilities, then the aggregated facility is treated as a refinery or import facility.

(3) Retail outlets or wholesale purchaser consumers may not be aggregated with any other facility.

(4) Mobile components and mobile facilities. (i) Where an entity maintains custody of diesel fuel in one or more mobile components (e.g., rail, barge, shipping, or trucking operations), the mobile components may be aggregated as a single facility. Mobile components may also be aggregated with a facility